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REPORT OF THE SECRETARY-GENERAL CONCERNING THE AGREEMENT ON THE IMPLEMENTATION OF THE JUDGMENT OF THE INTERNATIONAL COURT OF JUSTICE CONCERNING THE TERRITORIAL DISPUTE BETWEEN CHAD AND THE LIBYAN ARAB JAMAHIRIYA

I. INTRODUCTION

1. Since 1973, Chad and the Libyan Arab Jamahiriya have been disputing the area between them commonly known as the Aouzou Strip.

2. Following the resumption of diplomatic relations between Chad and the Libyan Arab Jamahiriya on 3 October 1988, both States proclaimed their willingness to resolve the dispute over the Aouzou Strip by peaceful means and in accordance with the charters of the United Nations and the Organization of African Unity (OAU). On 31 August 1989, the two Governments signed, in Algiers, the Framework Agreement on the Peaceful Settlement of the Territorial Dispute between the Republic of Chad and the Great Socialist People's Libyan Arab Jamahiriya, 1/ by which, inter alia, the two parties undertook to settle their territorial dispute by all political means, including conciliation, within a period of approximately one year, unless their Heads of State decided otherwise. In the absence of a political settlement of the dispute, the two parties further undertook to submit the dispute to the International Court of Justice (ICJ). After several rounds of inconclusive talks between senior officials of the two Governments, the Libyan Arab Jamahiriya and Chad respectively referred the dispute to ICJ in September 1990.

II. JUDGMENT OF THE INTERNATIONAL COURT OF JUSTICE AND AGREEMENT BY THE PARTIES REGARDING ITS IMPLEMENTATION

3. On 3 February 1994, ICJ delivered its Judgment on the territorial dispute between the two countries. It found that the boundary between Chad and the Libyan Arab Jamahiriya was defined by the Treaty of Friendship and Good-Neighbourliness concluded on 10 August 1955 between the French Republic and the United Kingdom of Libya. 2/ ICJ also found that the course of that boundary was as follows:

"From the point of intersection of the 24th meridian east with the parallel 19°30' of latitude north, a straight line to the point of intersection of the Tropic of Cancer with the 16th meridian east; and from that point a straight line to the point of intersection of the 15th meridian east and the parallel 23° of latitude north."

4. In letters dated 9 March 1994 and 23 March 1994 addressed to the Secretary-General (S/1994/296 and S/1994/332) following the ICJ Judgment, the Governments of the two countries pledged to abide by the Judgment and noted that it had brought a definite solution to the territorial dispute. After several rounds of talks between high-level delegations from Chad and the Libyan Arab Jamahiriya, an agreement was signed on 4 April 1994 at Surt, Libyan Arab Jamahiriya, establishing the practical modalities for the implementation of the ICJ Judgment. The agreement provides, inter alia, for the withdrawal of the Libyan administration and forces (art. 1), removal of mines (art. 2), crossing points for persons and property (art. 3), study of the question of monitoring the frontier (art. 4), maintenance of good-neighbourliness (art. 5), demarcation of the boundary (art. 6), further cooperation (art. 7), and notification of the agreement to the United Nations (art. 8).

III. REQUEST BY THE GOVERNMENTS OF CHAD AND THE LIBYAN ARAB JAMAHIRIYA FOR UNITED NATIONS OBSERVERS

5. In letters dated 6 and 7 April 1994, respectively, the permanent representatives of the Libyan Arab Jamahiriya (S/1994/402) and Chad (S/1994/424) transmitted to me the agreement signed at Surt, on 4 April 1994 between their Governments concerning the practical modalities for the implementation of the ICJ Judgment.

6. I have taken note of article 1 of the agreement, which provides, inter alia, that (a) operations for the withdrawal of the Libyan administration and the forces shall commence on 15 April 1994, under the supervision of a mixed team composed of 25 Libyan and 25 Chadian officers, (b) the mixed team shall be based at the administrative post of Aouzou, (c) the withdrawal operation shall end on 30 May 1994 at 0000 hours and (d) United Nations observers shall be present during all the Libyan withdrawal operations and shall establish that the withdrawal is actually effected.

IV. RECONNAISSANCE MISSION TO CHAD AND THE LIBYAN ARAB JAMAHIRIYA

7. On receiving the letters of the Permanent Representatives of the Libyan Arab Jamahiriya and Chad, the Secretariat established immediate contact with the permanent missions of the two countries. In the ensuing discussions, the two missions confirmed to the Secretariat that their Governments were prepared to accord the United Nations the fullest support in undertaking the tasks entrusted to it in article 1 of the agreement. Further, they agreed that a reconnaissance team composed of both civilian personnel and military observers would proceed to the area to conduct a brief survey of conditions on the ground and that the team

would have access to the entire territory of the Strip and would have complete freedom of movement within the territory.

8. On 13 April 1994, I informed the President of the Security Council (S/1994/432) of the transmittal to the United Nations of the Agreement signed by the two Governments and the understandings reached in consultations between the Secretariat and the Governments of Chad and the Libyan Arab Jamahiriya, and also that the reconnaissance team would have to visit the Libyan Arab Jamahiriya, whenever necessary, on a United Nations aircraft for discussions on the practical support the Libyan Government could provide to the team as well as to obtain goods and services that might be needed in support of the related United Nations activities.

9. On 14 April 1994, the Security Council adopted resolution 910 (1994), by which it decided that paragraph 4 of its resolution 748 (1992) of 31 March 1992 should not apply in respect of United Nations aircraft flying to and from the Libyan Arab Jamahiriya for the purpose of conveying the Secretary-General's reconnaissance team and requested the Secretary-General to inform the Committee established pursuant to resolution 748 (1992) of flights that had been made to and from the Libyan Arab Jamahiriya.

10. In addition to civilian personnel, the Reconnaissance Team included military observers drawn from United Nations Mission for the Referendum in Western Sahara (MINURSO). The team was led by Colonel B. Mazlan of Malaysia. The team arrived in Tripoli, on 15 April, where it held meetings with the Libyan authorities on 16 April. It proceeded to the Aouzou Strip on 17 April, where it has been meeting with the Chadian and Libyan mixed team established to supervise the withdrawal process pursuant to article 1 of the agreement of 4 April 1994. The reconnaissance team has received the logistical support it needed from the Government of the Libyan Arab Jamahiriya, and both the Chadian and Libyan Governments have cooperated with the team in its work.

11. On the basis of the discussions the team had in Tripoli and in the Aouzou Strip and of a preliminary assessment of conditions on the ground, the team has reported that it would be possible to deploy United Nations observers to monitor the withdrawal of the Libyan administration and forces and to establish that the withdrawal has been actually effected in accordance with article 1 of the agreement of 4 April. To this end, the two Governments have been requested to provide the Secretariat with an agreed list of places from which the withdrawal is to take place.

V. PROPOSED UNITED NATIONS OBSERVERS IN THE AOUZOU STRIP

12. The tasks described above could be carried out by a group of military observers to be known as the "United Nations Aouzou Strip Observer Group (UNASOG)". These observers will be under the command of the United Nations, vested in the Secretary-General under the authority of the Security Council. UNASOG would be headed in the field by a Chief Military Observer designated by the Secretary-General with the consent of the Security Council. The Chief Military Observer would report to the Secretary-General. For his part the Secretary-General would report as necessary to the Security Council on the

operations of UNASOG. All matters that might affect the nature or the continued effective functioning of the observers would be referred to the Security Council for its decision.

13. As regards the concept of operations, UNASOG would establish its headquarters at the Aouzou administrative post. It would have three sectors: one would be located at Bardai, a second would be located at Ounmo/Oumchi and the third sector would be located at Cazandou (see sketch map). It is estimated that, in order to carry out its monitoring functions, UNASOG would require nine military observers and six international civilian support staff. The military observers as well as most of the civilian support staff will be drawn from MINURSO.

14. In accordance with established practice, UNASOG would need to have freedom of movement, communication and inspection, and be accorded the facilities necessary for the performance of its tasks. UNASOG and its personnel would also have to be granted all relevant privileges and immunities provided by the Convention on the Privileges and Immunities of the United Nations. Should the Security Council decide to establish UNASOG, it would be my intention to initiate consultations with the Governments of Chad and the Libyan Arab Jamahiriya, with a view to concluding with each Government a status-of-mission agreement in accordance with established practice.

15. The financial implications of the operations described above are contained in the annex to the present report.

VI. OBSERVATIONS

16. On the basis of the conclusions of the reconnaissance team referred to above, I propose that the Security Council authorize the deployment of a group of United Nations observers in the Aouzou Strip for a period of approximately 40 days from the date of adoption of the relevant decision of the Council.

17. The reconnaissance team has also reported that the mixed (Chad/Libyan Arab Jamahiriya) team has expressed its concerns about the welfare of approximately 4,000 inhabitants in the Aouzou Strip after the withdrawal of the Libyan administration and forces. These inhabitants have been dependent for their livelihood on the support the Libyan Arab Jamahiriya has been providing to them. In consultation with the Department of Humanitarian Affairs, it is envisaged that a representative of the United Nations Development Programme could assist the team in assessing the potential humanitarian dimensions of the situation.

18. Subject to the approval of the Council, I envisage that UNASOG would be deployed immediately. The reconnaissance team with five military observers already in the area will become the advance party of the operation with the rest of the personnel to be deployed a few days later. Since, according to article 1 of the agreement of 4 April 1994, the withdrawal of the Libyan administration and forces was to begin on 15 April 1994, on which date the reconnaissance team arrived in the Libyan Arab Jamahiriya, the reconnaissance team will continue to monitor the withdrawal until the Security Council establishes UNASOG.

19. A decision to deploy UNASOG would assist the parties in implementing the Judgment of ICJ concerning the territorial dispute between them and contribute to the promotion of peaceful and friendly relations between these two African countries.

20. I shall, of course, keep the Council informed and report on the completion of the task assigned to UNASOG.

Notes

1/ United Nations, Treaty Series, No. 26801.

2/ Ibid., No. 27943.

Annex

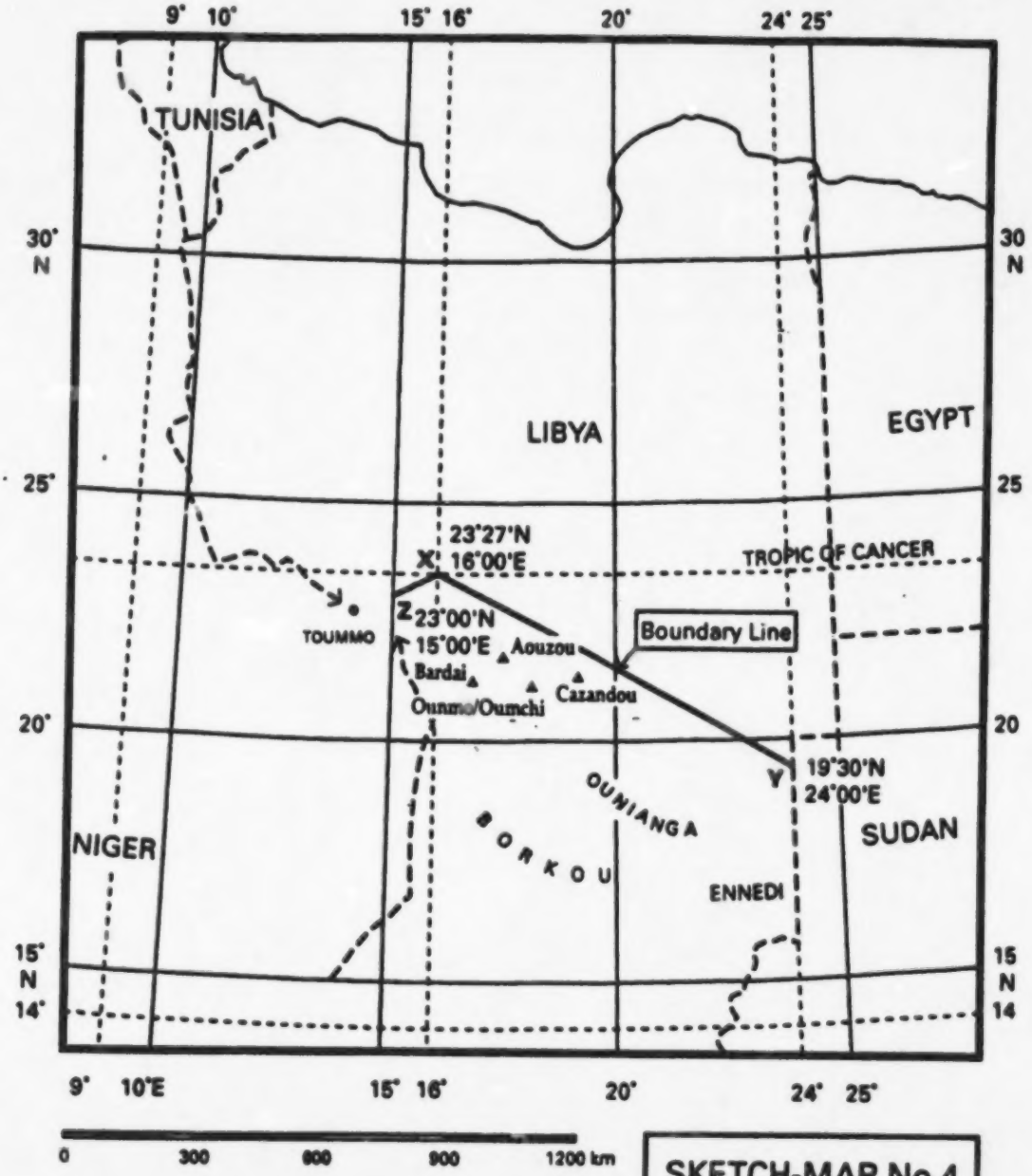
United Nations Aouzou Strip Observer Group

Estimated requirements from 15 April to 30 May 1994

SUMMARY STATEMENT

(In thousands of United States dollars)

1.	Military observers costs	56.1
2.	Civilian personnel costs	57.5
3.	Premises	0.0
4.	Transport operations	26.3
5.	Air operations	93.6
6.	Communications	102.0
7.	Supplies and services	60.0
	Total estimated requirement	395.5



UNASOG DEPLOYMENT IN THE AOUZOU STRIP

▲ Sector locations

SKETCH-MAP No.4

Boundary Line determined by the Court's Judgment

NB: International boundaries indicated by pecked lines are shown for illustrative purposes only.

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